

**BEFORE THE CALIFORNIA STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation
Against:

No. CC 2013-126

Dr. Samantha Phuong Hua, O.D.
420 W. Rowland Street
Covina, CA 91723

Respondent

Complainant alleges:

PARTIES

Mona Maggio ("Complainant") brings this Citation solely in her official capacity as the Executive Officer of the California State Board of Optometry ("Board"), Department of Consumer Affairs.

On or about August 1, 2001, optometrist license number OPT 11656 was issued to Samantha Phuong Hua, O.D. This active license will expire on January 31, 2015, unless renewed.

STATUTORY PROVISIONS

California Code of Regulations (CCR) Sections 1576 authorizes the executive officer of the Board to issue citations containing orders of abatement and/or administrative fines pursuant to Business and Professions Code section 125.9 against an optometrist who has committed any acts or omissions which are in violation of the Optometry Practice Act or any regulation adopted pursuant thereto.

Business and Professions Code (BPC), section 3110 provides that the Board may take action against any licensee who is charged with unprofessional conduct and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

- (a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the Board pursuant to this chapter.
- (d) Incompetence.

BPC section 2541.1 provides, in part, that:

- (a) A spectacle lens prescription shall include all of the following:
(1) The dioptric power of the lens....

CAUSE FOR CITATION

On October 26, 2012, patient R.R.¹ was seen by you for an annual examination and eyeglasses prescription. At the end of the examination, you failed to transfer the bifocal power to the prescription dispensed to R.R., even though it had been noted on the medical chart. This resulted in R.R. purchasing eyeglasses that were not correct for her needs.

It is the Board's finding that you violated BPC section 3110(d) when you failed to correctly dispense the eyeglasses prescription to R.R.

It is the Board's finding that you violated BPC section 2541.1(a)(1) by failing to include on R.R.'s eyeglasses prescription the complete specifications of the dioptric power of the lens.

Moreover, it is the Board's finding that you violated BPC section 3110(a) by violating the above listed regulations.

Orders

(1) Order of Abatement:

The Board orders you to:

Comply with all statutes and regulations governing the practice of Optometry in the future.

(2) Order to Pay an Administrative Fine:

In addition, you must pay an administrative penalty (fine) in the amount of \$3,000.00, within thirty (30) days from the date of this citation but no later than **June 12, 2014**. This penalty constitutes a Class "B" citation in the amount of \$1000.00 for violation of BPC section 3110(a), a Class "B" citation in the amount of \$1000.00 for violation of BPC section 3110(d), and a Class "B" citation in the amount of \$1000.00 for violation of BPC section 2541.1(a)(1).

Payment of the administrative penalty must be submitted to the Board, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Note the citation number on the check or money order and complete the enclosed Acknowledgment of Receipt of Citation/Payment of Fine with payment.

¹ The Board has previously notified you as to the identity of the client. Client's full name will be made available to you upon request.

CITATION ORDER

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You may contest this citation or any portion thereof, by requesting either an Informal Citation Conference or a formal Administrative Hearing, or both. If you request both an Informal Citation Conference and a formal Administrative Hearing, and an Informal Citation Conference is held, your request for an Administrative Hearing shall be deemed to be withdrawn. Following the conclusion of the Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified you will then have the opportunity to contest it by filing a request for a formal hearing to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

Your request for an Informal Citation Conference must be in writing and be submitted to the Board within thirty (30) calendar days after service of the citation. The request for a formal Administrative Hearing must also be in writing and be submitted to the Board within thirty (30) calendar days. (Please refer to the enclosed Instructions to Cited Person for additional appeal information)

You may withdraw a Request for Informal Citation Conference at any time prior to the date of the conference. You may withdraw a Request for Administrative Hearing any time prior to the date of the hearing.

Failure to request an Informal Citation Conference or Administrative Hearing in a timely manner will waive your right to contest this citation.

Pursuant to Business and Professions Code section 125.9, if you do not request a formal Administrative Hearing, payment of the fine does not constitute an admission of the violation(s) alleged.

If the fine is not paid **or** the citation contested within the allotted time frame, your license will not be renewed until the fine is paid.

DATED: May 13, 2014



MONA MAGGIO

Executive Officer

State Board of Optometry

Department of Consumer Affairs

State of California

Complainant